

# 2007 Criminal Legislation

Hon. Mark D. Stoner  
Marion Superior Court  
*mstoner@indygov.org*



# S.B. 44

- HIV Testing and the Courts
- Consent for HIV testing may be either in oral or written form



## S.B. 44 (cont.)

- Terminology changes for situations requiring HIV testing:

statute addresses “offenses” rather than “crime”

“sex crime” becomes “offense relating to a “ ’criminal sexual act’ ”

Controlled substances changes from I.C. 35-38-1-7.1(f) to I.C. 35-41-1-19.4



## S.B. 44 (cont)

- Terminology changes cover:

juvenile offenses: I.C. 31-37-19-12;

State Department of Health victim notifications;  
HIV testing of adult Defendants;

probation department inquiries to State  
Department of Health;



## S.B. 45

- AMENDING CHARGING INFORMATION  
under I.C. 35-34-1-5

--allows amendments in matters of substance up to trial date if it “does not prejudice the substantial rights of the DEF”

-- legislative response to State v. *Fajardo* 859  
*N.E. 2d 1201* (2007)

-- amendments now may be signed by deputy prosecutors



## S.B. 45 (cont)

- Habitual Offender charges must be filed within 10 days of omnibus dates:

Regular Habitual I.C. 35-50-2-8;

LWOP I.C. 35-5-2-8.5; and

Habitual Controlled Substance Offender

I.C. 35-50-2-10



## S.B. 45 (cont)

- SENTENCING STATEMENTS
  - Now required for all **felony** sentencings
  - Note: statute says sentencing “statement” and not “order” or “written order” IC 35-38-1-1.3



## S.B. 45 (cont)

- BATTERY BY BODILY WASTE 35-42-2-6
- new protected victims:
  - probation department employees;
  - firefighters;
  - first responders

adds Hepatitis C as prohibited transmission

Effective date: crimes after 7/01/07





## S.B. 45 (cont)

- Consecutive Sentences 35-50-2-1.3
- Advisory sentence now required when imposing a consecutive sentence for
  - felony convictions which
    - (a) are not crimes of violence under IC 35-50-1-2(a)
    - (b) arising out of an episode of conduct

Advisory sentence not required for underlying offense



## S.B. 45 (cont)

- Consecutive Sentences 35-50-2-1.3 (cont)
- Advisory sentences not required when offenses do not arise from episode of criminal conduct
  - legislative response to Robertson appeals court ruling (since overturned by IN. Supreme Court, 871 N.E.2d 280, (2007) )



## S.B. 247: Electronic Traffic Tickets

- I.C. 9-30-3-2.5 et seq  
Public chauffeur's license now good for 4 years with an \$8 fee
- Statutue provides for electronic traffic ticket aka "e-citation"
- State court administration given authority to develop and modify e-citation format



# S.B. 247: Electronic Tickets

- If officer uses e-citation
  - may (?) print the ticket
  - shall tell offender of court, date & time

Printed or digital signatures are admissible as if originals  
E citation may be sent to court electronically if in  
compliance w/ Supreme Court rules



# S.B. 247: Electronic Tickets

- Ticket must specify if offender served with the ticket
- E tickets may be used to
  - notify BMV that offender FTA or answer summons
  - notify BMV that offender =non-resident
  - notify BMV of charges, convictions, findings & judgments



## H.B. 1623: Traffic Workzone Sanctions

- New **mandatory** workzone speeding penalties:
- --- 1<sup>st</sup> offense: at least \$300
- --- 2<sup>nd</sup> offense w/in 3 yrs: at least \$500
- --- 3<sup>rd</sup>+ offense w/in 3 yrs: \$1,000

IC 9-21-5-11(d)

Funds specifically directed from state general fund and dedicated to hiring new officers



## H.B. 1623: Traffic Workzone Sanctions

- New driving offenses related to workzones when workers are present
  - reckless operation
  - knowingly, intentionally, or recklessly operates to damage traffic control devices or inflict bodily injury
  - knowingly, intentionally, or recklessly drives aggressively or engages in speed contest
  - recklessly fails to obey signal or flagman



## H.B. 1623: Traffic Workzone Sanctions

- all these offenses = class A misdemeanors unless prior offense w/in 5 yrs or under the influence = D felony

If these offenses result in bodily injury to a worker = D felony

- If these offenses result in death to a worker = C felony  
[*same as Reck. Hom*] IC 9-21-8-56





# S.B. 411: Wiretaps

- Updates I.C. 35-33.5-1 et seq—1990 law
- Potential investigations are broadened:
  - Used to be only drug related offenses
  - Now: murder, kidnapping, confinement, robbery arson, child solicitation, human & sexual trafficking, escape, (B & C felony), weapons of mass destruction
  - covers attempts/conspiracies of these crimes



# S.B. 411: Wiretaps

- **New : “Electronic communication”**

means any transfer of signs, signals, writing, images, sounds, data, oral communication, digital information, or intelligence of any nature transmitted in whole or in part by a wire, a radio, or an electromagnetic, a photo-electronic, or a photo-optical system

I.C. 35 -33.5-1-3.5

---replaces “telephonic or telegraphic communication”



## S.B. 411: Wiretaps

- Wiretaps warrants may cover electronic communications, for both recording and acquiring the contents thereof, which specifically includes computer and fax communications:
- Wiretaps may **not** cover certain specified radio transmissions
  - See I.C. 35-33.5-1-5 subsections 1-5



## S.B. 411: Wiretaps

- Chief Deputy Prosecutors (CDPA) may now apply for wiretap warrants, but only if:
  - (a) Prosecutor is unavailable and
  - (b) CDPA is specifically authorized by the Prosecutor

Other DPAs are forbidden from submitting wiretap applications      IC 35-33.5-2-1



# S.B. 411: Wiretaps

- Indiana State Police authority expanded:

only ISP may install wiretaps; but now:

--- may share monitoring with other law enforcement agencies if wiretap done on their behalf [other agency bears the costs]

---ISP Superintendent may terminate if probable cause to believe wiretap is merit less



# S.B. 411: Wiretaps

- Applications for warrants now expanded:
  - previously required *in writing*
  - recorded hearings, telephone or radio calls, or fax applications now permitted
  - Judge may accept, alter, warrant and orally authorize signature to Prosecutor or CDPA under specified procedures (including good only for 24 hours unless reduced to writing) IC 35-33.5-2-3.5



# S.B. 411: Wiretaps

- Time Limits Expanded:

- Maximum permissible duration of wiretap warrant expanded from 14 to 30 days

- initial start after warrant signed increased from 3 to 10 days



# H.B. 1437: GANGS

- Criminal Justice Institute may establish gang witness protection program
    - given authority to manage, develop procedures and obtain funding
    - has authority to delay implementation until funding received
- IC 5-2-6-3





# H.B. 1437: GANGS

- Definition of criminal gang changed to requiring 3 people to constitute a gang

- Down from 5

IC 35-45-9-1

Mandatory sentencing provision: Court **shall** order restitution from criminal gang members for felonies and misdemeanors

IC 35-45-9-6



# H.B. 1437: GANGS

## New Crime: **Criminal Gang Recruitment**

- individual who knowingly, intentionally, solicits, recruits, entices, or intimidates another to join a gang =  
D felony
- C felony if:
  - (a) w/in 1,000 feet of a school or
  - (b) recruited person <18

IC 35-45-9-5



## H.B. 1437: FORENSIC DIVERSION

- Eligibility broadened to include persons who have combination of mental illness & addictive disorder
- [ before it was either/or ]
  - true for pre & post conviction programs

Courts now must determine whether DEF is appropriate for diversion program

-- DEFs also must be accepted into the program

IC 11-12-3.7-12 (4)&(5)



## H.B. 1437: FORENSIC DIVERSION

Courts now have discretion to not place in program  
(*previous language was mandatory*)

IC 11-12-3.7-12(b)

Courts may accept referrals into alcohol and drug  
programs from prosecutor diversion programs and also  
pretrial services

IC 12-23-14-5



# H.B. 1386: SEX OFFENDERS

- Mens rea element of “knowingly or intentionally” added to crime of misusing limited criminal history

**IC 10-13-3-27 class A misdemeanor**



# H.B. 1386: SEX OFFENDERS

- Violent offender registry established
- --inspections from ISP are free

**IC 10-13-3-30(c)**

--ISP must maintain records on incarcerated, out of state offenders whose registration requirement has expired

**IC 11-8-2-12.4 (5)**



# H.B. 1386: SEX OFFENDERS

- Distinction drawn between new section “sex offender” under IC 11-8-8-4.5 and “sex or violent offender” of IC 11-8-8-5:
  - “violent offender” portion covers exact same offenses except it adds murder and voluntary manslaughter



# H.B. 1386: SEX OFFENDERS

- Both IC 11-8-8-4.5 and IC 11-8-8-5 have changes for sex offender registration:
  - DEF convicted of sexual misconduct w/ a minor, class C felony, is excluded if DEF w/in 4 years of victim's age and court makes a finding that the DEF does not need to register





# H.B. 1386: SEX OFFENDERS

- parents and guardians of children under 18 who are convicted of kidnapping or criminal confinement on them are excluded
- Juvenile Court now shall consider expert testimony before it can determine if child = “sex offender”  
IC 11-8-8-4.5 (c)



# H.B. 1386: SEX OFFENDERS

- New offenses added to registry:
  - Promoting Prostitution, B felony
  - Promotion of human trafficking if V<18
  - Sexual trafficking of a minor
  - Human trafficking if V <18



# H.B. 1386: SEX OFFENDERS

- Registration Requirements under IC 11-8-8-7:
  - violent offender (new status) has same requirements as a sex offender

Other changes to IC 11-8-8-7:

- an offender who works here 7 (was 14) consecutive days, or more than 14 days (was 30) in a year must register



## H.B. 1386: SEX OFFENDERS:

### Sex Offender Registry

- Local law enforcement now must update NCIC National Sex Offender Registry via IDACS
  - also must notify ISP whenever out-of-state offender changes address, job or school enrollment

Offender now must supply vehicle description & plate # for vehicles owned or operated + address where offender stays any 7 days in 14 day period

# H.B. 1386: SEX OFFENDERS:

## Sex Offender Registry

- Probation Department must send sentencing order, PSI, and other information to ISP if DEF placed on probation. IC 11-8-8-9(d)
- If offender moves, changes job or educational pursuit, offender must report **in person** to new law enforcement agency w/in 72 hours of address change IC 11-8-8-11(a)(2); 11-8-8-11(a)-(d)



## H.B. 1386: SEX OFFENDERS:

### Sex Offender Registry

- Offenders living in temporary residences must report in person every 7 days to local law enforcement
- Sexual violent predator (**under IC 35-38-1-7.5**)  
must give updated photo every 90 days  
(all others supply annual photo)



## H.B. 1386: SEX OFFENDERS:

### Sex Offender Registry

- New offense: failure to live at your registered address/location = D felony
- Also, DEF may not use inability to pay registration or address change fees as a defense to registration requirements

I.C. 11-8-8-17

# H.B. 1386: SEX OFFENDERS:

## Sex Offender Registry

- Sexual violent predators must appear in person to notify authorities if absent more than 72 hours from jurisdiction
- --- written notifications now disallowed

D felony sexual battery DEFs no longer must register for life (they get normal 10 year registration)

IC 11-8-8-19(d)(2)

Offenders from other jurisdictions must register for periods required by their jurisdiction, or by Indiana's time period, whichever is longer IC 11-8-8-19(f)





## H.B. 1386: SEX OFFENDERS:

### Sex Offender Registry

- DOC now has authority to exchange and transmit information re: offenders from other jurisdictions  
(*Governor formally had discretion*)
- DOC authorized to maintain a new “sex and violent offender administration fund” IC 11-8-8-21
- Annual county offender registration fee <\$50 and address change fee <\$5 authorized
- (90%-10% state-county split) **IC 36-2-13-5.6**

# H.B. 1386: SEX OFFENDERS:

## Sex Offender Registry

- **New statute** IC 11-8-8-22 provides way for offender to petition court when state or federal laws change making registration requirements less restrictive:
  - Court may summarily deny petition
  - Court may not grant unless Court
    - (a) notifies Prosecutor
    - (b) sets a hearing
    - (c) makes specified findings
    - (d) notifies victim, DOC, and local law enforcement where DEF resides



# H.B. 1386: SEX OFFENDERS: Sex Offender Registry

- Parole board responsibilities:
  - may waive requirement for parolee to live beyond 1,000 feet of a school or w/in 1 mile of victim
  - exception: sexual violent predators [SVP]
  - if waiver granted, parole must notify each school

Parole may require re-entry court participation and must require 24 electronic monitoring for SVPs



# H.B. 1386: other provisions

- Juvenile courts do not have jurisdiction now over attempt murder if DEF >16

**IC 31-30-1-4**

- Specified public officials have civil immunity for errors/omissions in transportation of fingerprints, case history or sentencing data

**IC 34-30-2-149.5**



# H.B. 1386: other provisions

- Definition/application of SVP expanded:
  - now covers attempt & conspiracy charges
  - covers similar offenses from other jurisdictions
  - covers offenders who have prior juvenile predicate offenses
  - covers juvenile offenders



# H.B. 1386: other provisions

- **Definition/application of SVP expanded:**
  - **If SVP DEF being supervised by other non-DOC agencies, parole board may delegate supervision to those agencies**  
IC 35-38-1-29

**Courts may not grant waiver of 1,000 feet from school prohibition or 1 mile V residence restriction to SVP or “offender against children” as defined by IC 35-42-4-11**  
IC 35-38-2-2.2 & 2.5

- **If SVP DEF not sent to DOC, Court shall order parole board to place DEF on lifetime parole**



# H.B. 1386: other provisions

- Definition/application of SVP restricted:
  - Covers only offenses where DEF “released from incarceration, secure detention, or probation for the offense after June 30, 1994”
  - If prosecutor seeks Court declaration that offender is SVP despite conviction for crime not on specified list:
    - Court must order expert evaluations
    - Court must conduct hearing where experts testify



# H.B. 1386: other provisions

- Definition/application of SVP restricted:
- “Romeo-Juliet” crimes excluded where:
  - V > 12 at time of offense
  - DEF not more than 4 yrs. older than V and has no adult or juvenile prior sex offense convictions
  - V-DEF in dating or ongoing, but not family, relationship
  - Offense isn’t rape, CDC, deadly weapon or deadly force, SBI, use of date drugs
  - DEF not in position of authority/substantial influence over V
  - Court finds DEF is not SVP





# H.B. 1386: other provisions

- Petitions to have Courts determine DEF is no longer a SVP:
  - DEF ineligible if 2 prior registration required offenses
- Court may dismiss petition w/o hearing
- Court may not grant petition unless:
  - Court appoints 2 psychologists or psychiatrists
  - Experts must evaluate DEF
  - Experts must testify at hearing

IC 35-38-1-7.5(g)



# H.B. 1386: other provisions

- New sentencing requirement:
  - DEF must be fingerprinted *immediately after sentencing* by qualified individual
  - Copies of recorded prints must be given to Prosecutor and ISP
  - Section does not apply if DEF previously arrested and processed at the county
  - IC 35-38-1-28



# H.B. 1386: other provisions

- Defense against child molesting charge:

Even if DEF reasonably believes  $V > 16$ , it is not a defense if:

use of deadly force or deadly weapon;

serious bodily injury occurs; or

DEF gave V drug or controlled substance  
without V's knowledge

## H.B. 1386: other provisions:

- Child Solicitation, IC 3542-4-6, increases to B felony if DEF has prior unrelated conviction for same offense



# H.B. 1386: other provisions

- “Romeo-Juliet defense” applies to Sexual Misconduct with a Minor IC 35-42-4-9
  - Same qualifications as SVP defense except  
DEF cannot be >21

Romeo-Juliet defense for class B felony Child Molesting  
Convictions may not require mandatory executed  
sentence under IC 35-50-2-2 for subsequent felony  
convictions



# H.B. 1386: other provisions

- “SVP” v. “Offender v. children”

35-42-4-11

has mental abnormality or  
Personality disorder that makes  
DEF likely to repeatedly  
Commit sex offense

35-38-1-7.5

SVP or DEF convicted of  
child exploitation  
child molesting as C felony  
child solicitation  
child seduction  
kidnapping w/  $V < 18$



## H.B. 1386: other provisions

- “Offender v. children” expanded
- -- to cover attempt & conspiracy offenses
- -- can be charged w/ unlawful employment near children by a sexual predator IC 35-42-4-10
  - cannot reside w/in 1,000 feet of school  
[not post-secondary] IC 35-38-2-2.2



## H.B. 1386: other provisions

- “Offender v. children” may petition for change of this status:
  - must wait for 10 years after incarceration, probation, or parole, whichever is last;
  - ineligible if 2+ convictions
  - Court may dismiss petition w/o hrg.
  - if hrg. held, court must appoint 2 experts to evaluate DEF and testify
  - Court must notify DOC if status changed





# H.B. 1386: other provisions

- New sentencing requirement for Class A Felony Child Molester where DEF > 21 and V < 12:

: **minimum mandatory executed sentence is raised to 30 years**

IC 35-50-2-2(i)



## H.B. 1386: other provisions

- Parole for life expanded to include DEFs convicted of murder & vol. manslaughter  
[+SVP] IC 35-50-6-1(e)
- Sex and violent offender registry must show if DEF's fingerprints on file with ISP or FBI
- --if not, Sheriff shall fingerprint & give to ISP  
IC 36-2-13-5.5(c)



## H.B. 1386: other provisions

**A “sentencing policy study committee” re-established to make recommendations to the general assembly**

**-- wide ranging authority to review issues within entire criminal justice system at state and local levels**

**-- 20 members from throughout system**

**-- interim report due 11/01/2008**

**-- final report due 11/01/2010**

**-- authorization expires 12/31/2010**



# 2007 FAMILY LAW AND JUDICIAL ADMINISTRATION LEGISLATION

Mary G. Willis  
Judge, Henry Circuit Court



# SEA 328

- National Criminal History checks shall be conducted in compliance with federal law to determine whether certain individuals who supervise children, either relative placement or foster home, have been convicted of certain offenses
  - Domestic battery added

# SEA 328 contd.

- Requires criminal history checks in pre-adoption placements even if the child is:
  - 1) Not a ward of the court or DCS; or
  - 2) Placed with certain relatives

Court may NOT waive the required criminal history checks.

Court MAY waive certain home study & supervision requirements if one of the petitioners is a stepparent or grandparent of child.

# SEA 328 – BY THE WAY...

- Requires an initial hearing on a CHINS petition within 7 days or release of child
- Requires a court to consult with the age appropriate CHINS regarding permanency
- Right of notice and opportunity to be heard applies to all JC and JD court proceedings
- Establishes citizen review panels



# SEA 329 – CHILD SUPPORT

- A Court that orders, modifies, or enforces a child support order in a Title IV-D case is required to issue an immediate income withholding order.

The Bureau is to prescribe standard IWO and notice forms.

Court may STAY implementation of the IWO

# SEA 329 misc.

- Annual child support fee increased from \$30 to \$55
- \$5000 sanction to employers who discharge, discriminate or take action against an employee for an IWO
- Department of revenue may not assess a fee to a state agency or custodial parent for seeking a setoff to a state or federal income tax refund for past due child support

# SEA 534 - ADOPTIONS

- Proceedings for voluntary termination of parent-child relationships and adoptions are not governed by the UCCJL
- Adoption notices are valid served within or outside Indiana
- Adoption notices sent to nonresident putative father valid if child conceived in IN or where other state allows action prior to child's birth
- Amended adoption petitions relate back to the original date and may be amended to substitute another petitioner

## SEA 534 contd.

- A parent who has given valid consent to termination may waive certain notice if in writing; notarized; acknowledges no further notice and irrevocable
- Certain adoption proceeding notices shall be served by publication in same manner as summons by publication

# SEA 125- COURT COSTS AND FINES

- Court may suspend payment of court costs and fines until sentence completed
- Court can continue jurisdiction until fines and costs paid
- Court can use contempt proceedings and wage assignments to enforce payment
- \$13 sheriff service of process fee may only be collected once

# SEA 310- PROOF OF MAILING

- If a law or rule requires mailing by registered mail or certified mail, a person may use:
- 1) Any service of the USPS or any service of any designated private delivery service that
  - a) tracks the delivery of mail; and
  - b) requires signature upon delivery; or
- 2) Delivery by an employee of the unit of government sending the notice.

# SEA 310 – Undeliverable mail

- If notice is returned undeliverable, notice must be given by:
  - 1) personal delivery
  - 2) leaving a copy at home/place of abode
  - 3) sending by 1<sup>st</sup> class mail to last known address; or
  - 4) serving agent as provided by rule

# HEA 1001- \$\$\$\$\$

- Automated recordkeeping fee

33-37-5-21 Provides that the \$7 fee shall remain effective through 6/30/11 at which time it is reduced to \$4



# HEA 1001

➤ Trial Court reimbursement by State of expenses in remand cases, if:

A) defendant convicted in criminal proceeding conducted in a trial court;

B) defendant appeals to appellate court;

C) appellate court remands for new trial.

Expenses that would be paid by county,  
EXCLUDING Judge, PA, PD salaries

Maximum: \$50,000 (\$1 million cap statewide or  
prorated by St. Ct. Admin)

# HEA 1001- NEW COURTS/MAGISTRATES

## ➤ Floyd County

- 2 new Superior Courts established
- Abolish County Court as of 1/1/09

Jackson County: 1 new Superior Court  
1/1/08

Franklin County: 1 F/T magistrate

Hamilton County: 2 F/T magistrates

Clark Superior/Circuit: 1 joint F/T magistrate

# HEA 1291- SPECIAL PROSECUTORS

- Court shall appoint a special prosecutor if:
  - 1) Previously appointed SP files motion to w/draw or has become incapable of continuing; and
  - 2) Court finds facts that established basis for initial appt. still exist.

PAY: hourly rate based upon regular salary of PA capped at salary for a calendar day (rather than per diem) and reasonable expenses

Elected PA shall receive notice of all pleadings and orders.

# Senior Prosecuting Attorneys

## 33-39-1-1 et. seq.

- Requires at least 8 years experience and affidavit filed in Circuit AND each Superior Court
- Court forwards affidavit to Prosecuting Attorneys Council
- Limited to 100 days if receives retirement benefits OR 200 days if doesn't yet receive retirement benefits.



# RECENT LEGISLATION & NEW RULES



SALARIES & BENEFITS

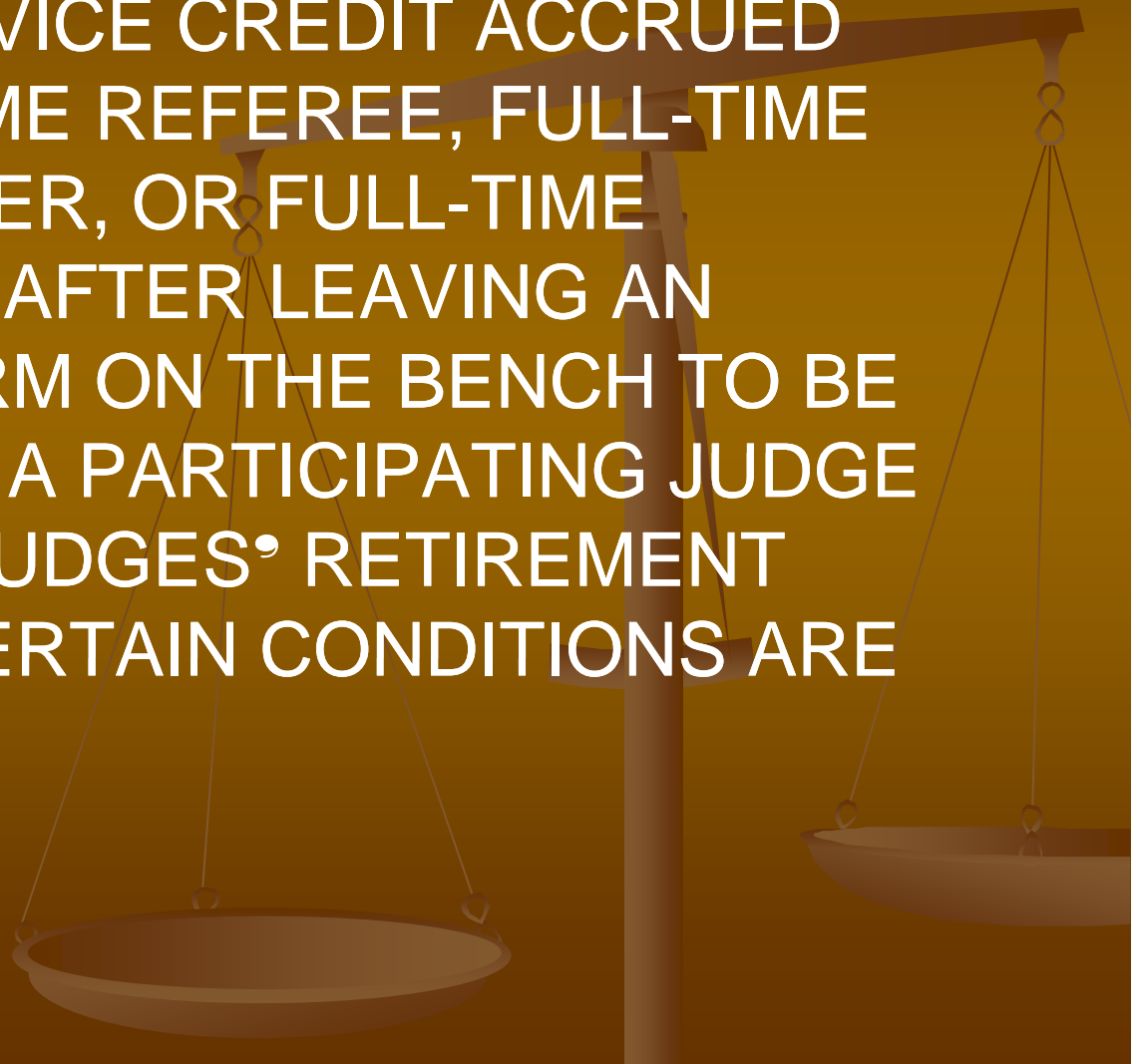
# HOUSE ENROLLED ACT 1291

- **INCREASES  
COMPENSATION**  
paid to a Senior Judge  
from \$50 to \$100 for  
the first 30 days of  
service and from \$200  
to \$250 for each day  
thereafter



# HOUSE ENROLLED ACT 1480

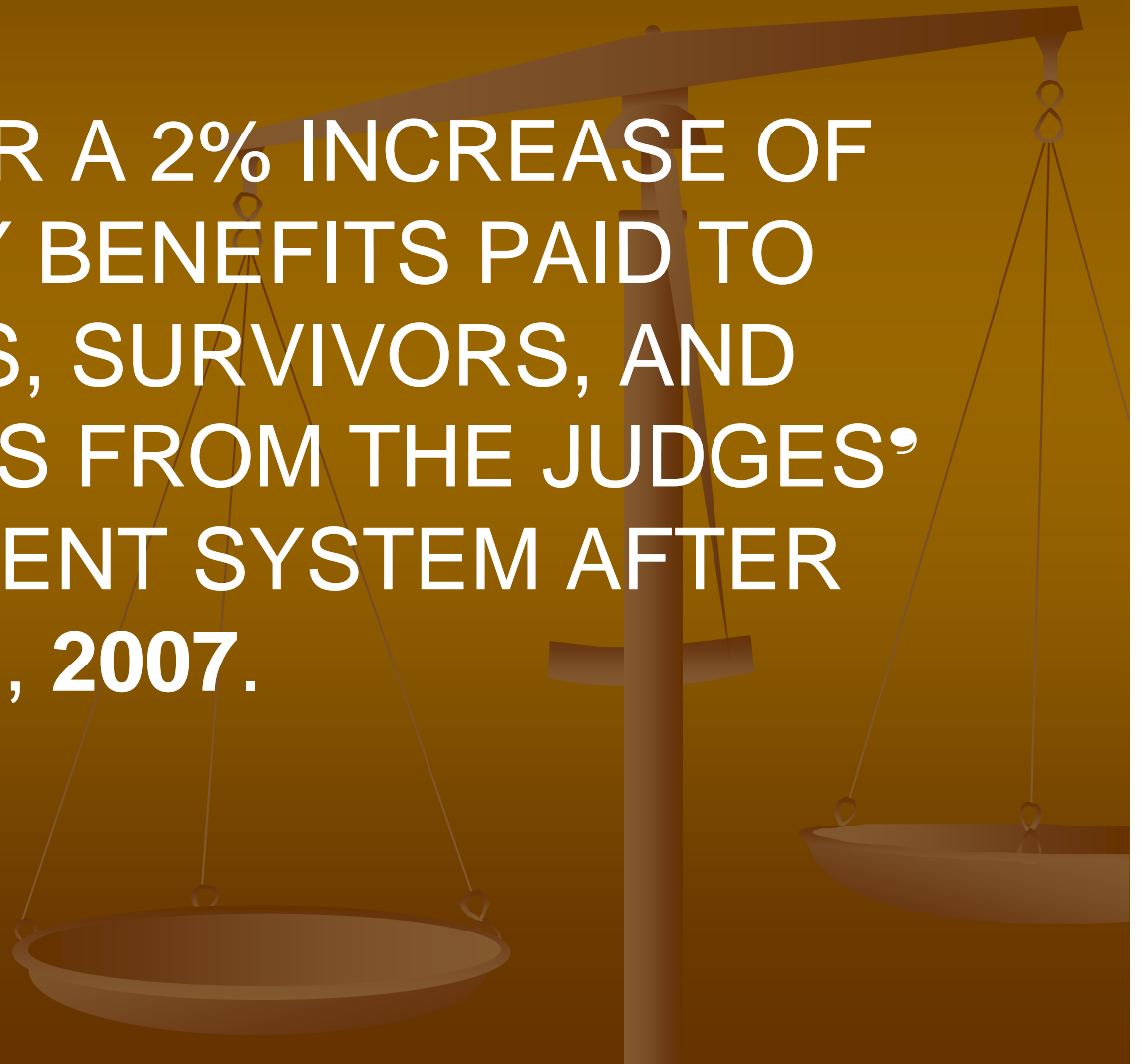
- ALLOWS SERVICE CREDIT ACCRUED BY A FULL-TIME REFEREE, FULL-TIME COMMISSIONER, OR FULL-TIME MAGISTRATE AFTER LEAVING AN ELECTED TERM ON THE BENCH TO BE GRANTED TO A PARTICIPATING JUDGE IN THE 1977 JUDGES' RETIREMENT SYSTEM IF CERTAIN CONDITIONS ARE MET





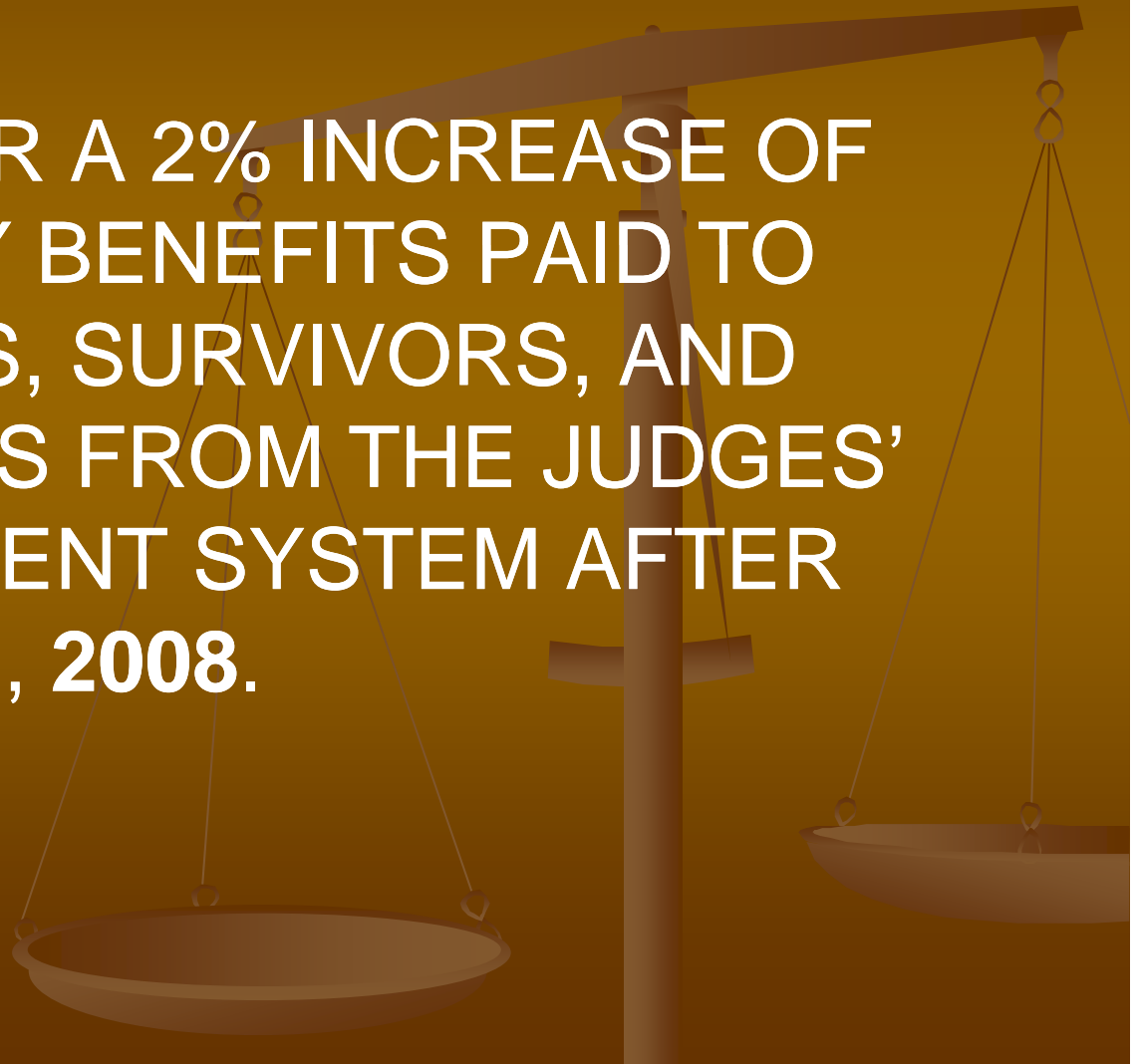
# HOUSE ENROLLED ACT 1480

- PROVIDES FOR A 2% INCREASE OF THE MONTHLY BENEFITS PAID TO PARTICIPANTS, SURVIVORS, AND BENEFICIARIES FROM THE JUDGES' 1985 RETIREMENT SYSTEM AFTER DECEMBER 31, 2007.



# HOUSE ENROLLED ACT 1480

- PROVIDES FOR A 2% INCREASE OF THE MONTHLY BENEFITS PAID TO PARTICIPANTS, SURVIVORS, AND BENEFICIARIES FROM THE JUDGES' 1985 RETIREMENT SYSTEM AFTER DECEMBER 31, **2008.**



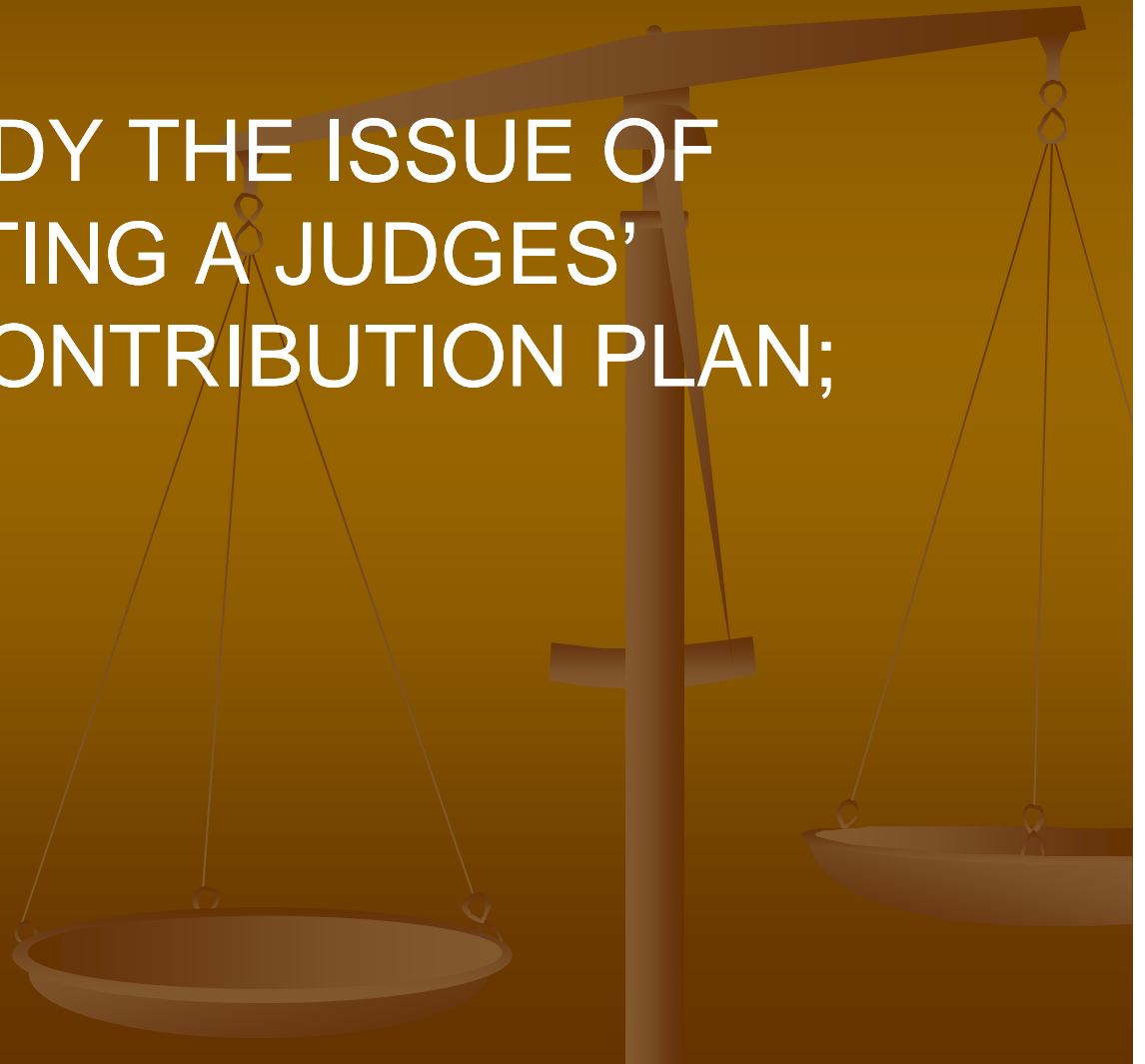
# HOUSE ENROLLED ACT 1480

DIRECTS THE PENSION  
MANAGEMENT  
OVERSIGHT  
COMMISSION:



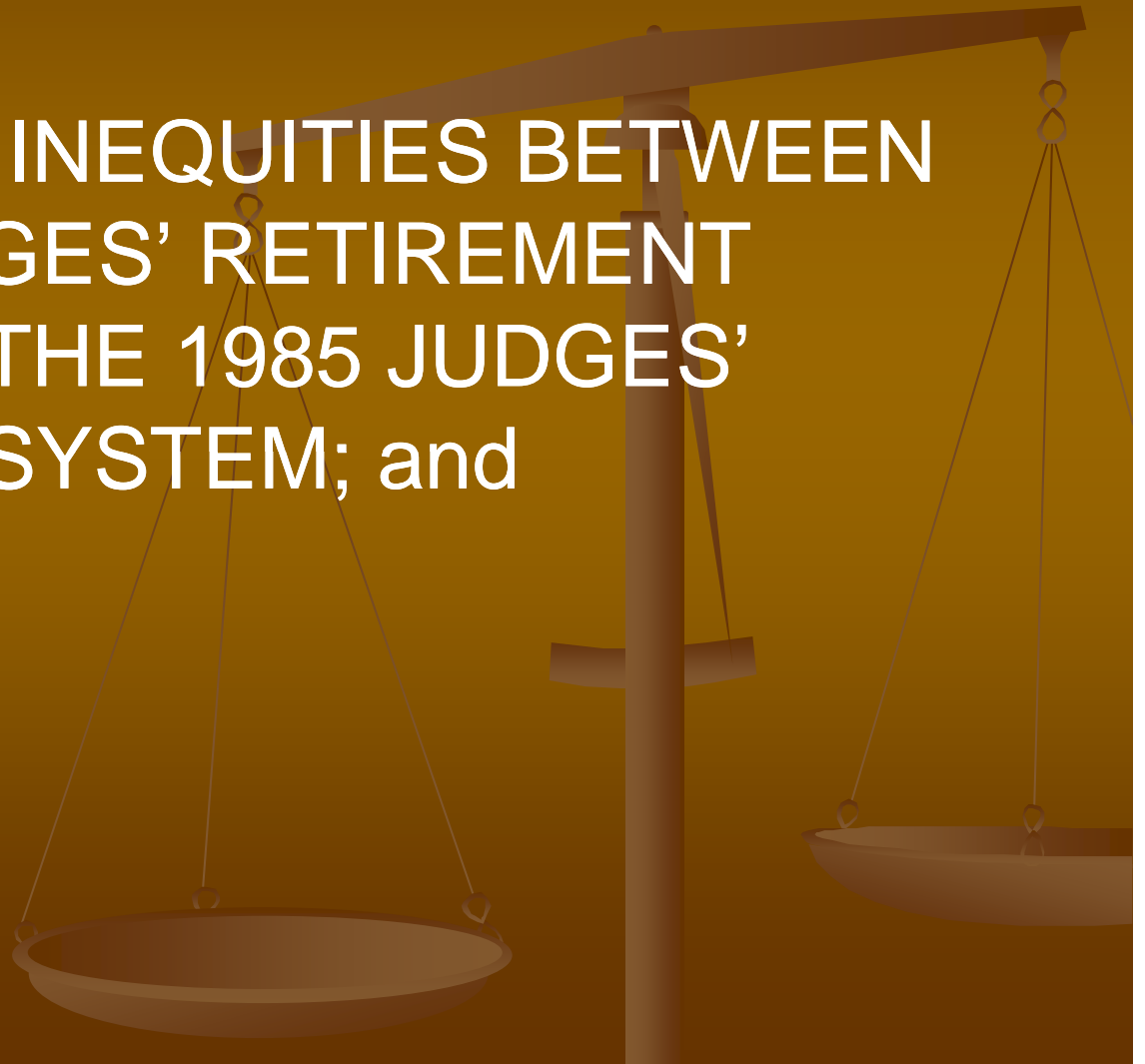
# HOUSE ENROLLED ACT 1480

(1) TO STUDY THE ISSUE OF  
IMPLEMENTING A JUDGES'  
DEFINED CONTRIBUTION PLAN;



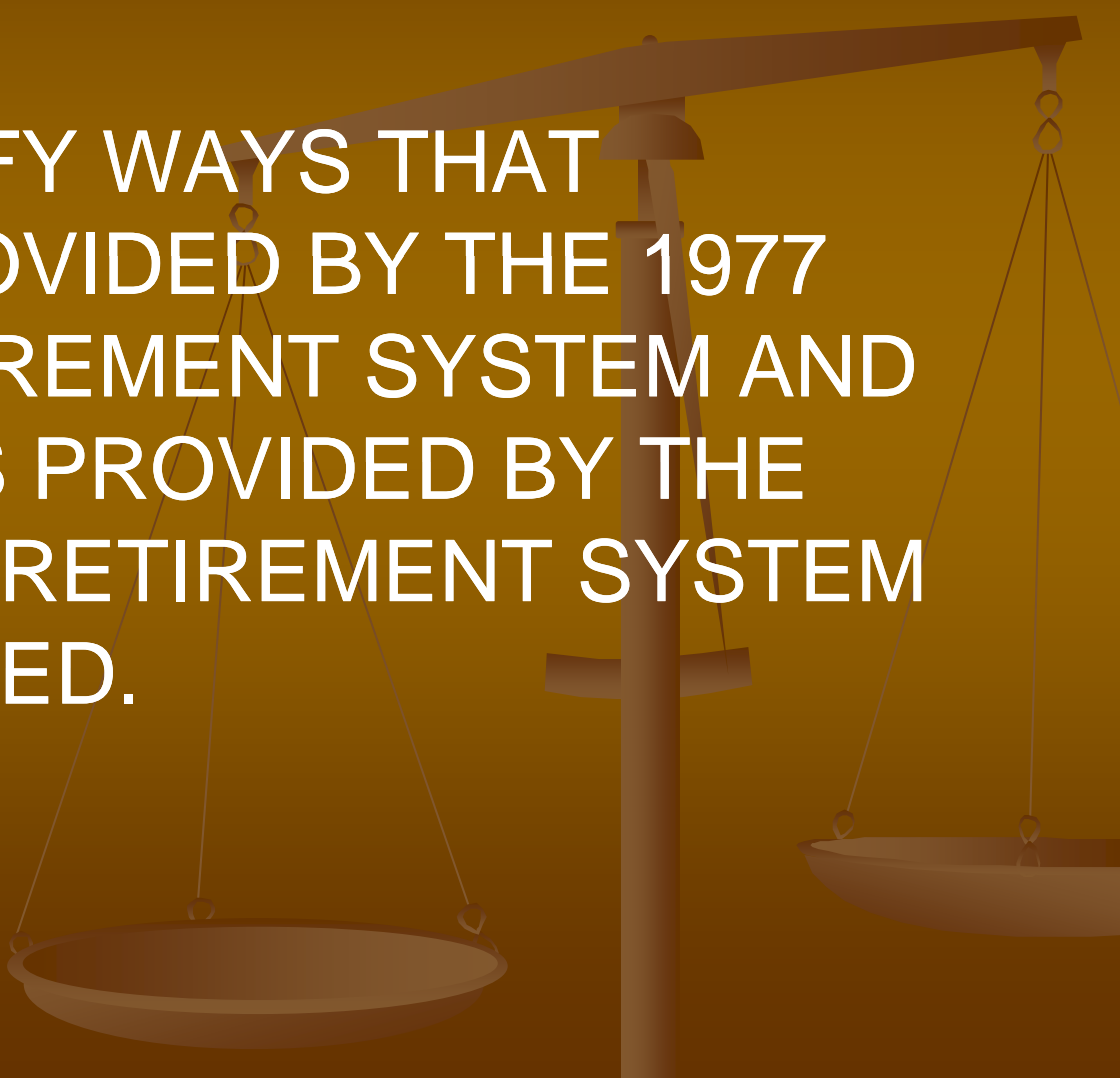
# HOUSE ENROLLED ACT 1480

(2) TO STUDY INEQUITIES BETWEEN THE 1977 JUDGES' RETIREMENT SYSTEM AND THE 1985 JUDGES' RETIREMENT SYSTEM; and



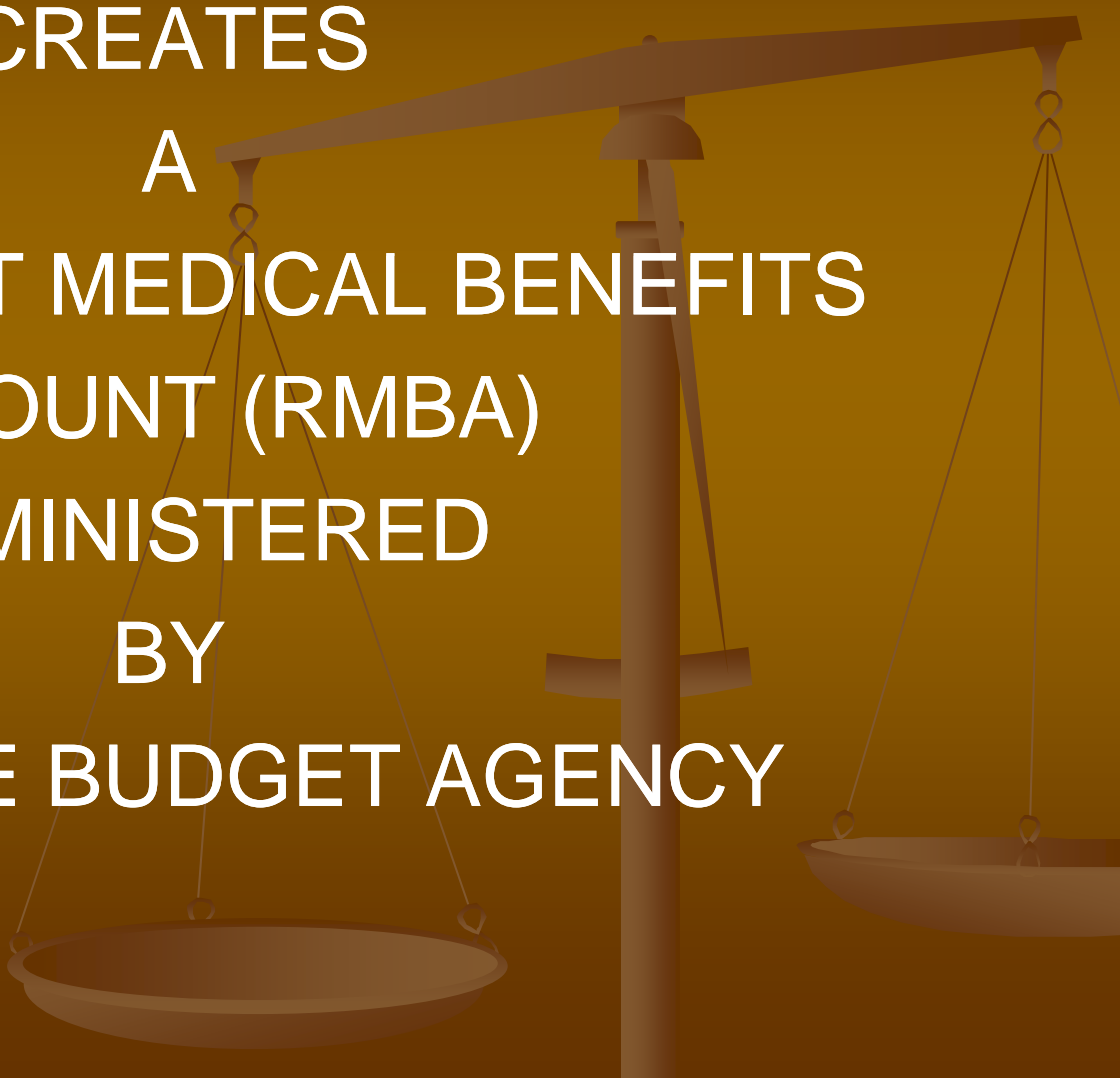
# HOUSE ENROLLED ACT 1480

(3) TO IDENTIFY WAYS THAT BENEFITS PROVIDED BY THE 1977 JUDGES' RETIREMENT SYSTEM AND THE BENEFITS PROVIDED BY THE 1985 JUDGES' RETIREMENT SYSTEM MAY BE ALIGNED.




# SENATE ENROLLED ACT 501

CREATES  
A  
RETIREMENT MEDICAL BENEFITS  
ACCOUNT (RMBA)  
ADMINISTERED  
BY  
THE STATE BUDGET AGENCY



# SENATE ENROLLED ACT 501

FUNDED  
ON A  
PRE-TAX BASIS  
BY THE  
INDIANA SUPREME COURT

A stylized illustration of a balance scale, symbolizing justice or legal proceedings. The scale is depicted in a dark brown color against a lighter brown background. It features a horizontal beam supported by a central vertical post. Two pans are suspended from the ends of the beam by thin lines. The scale is slightly tilted, with the right pan being higher than the left pan.

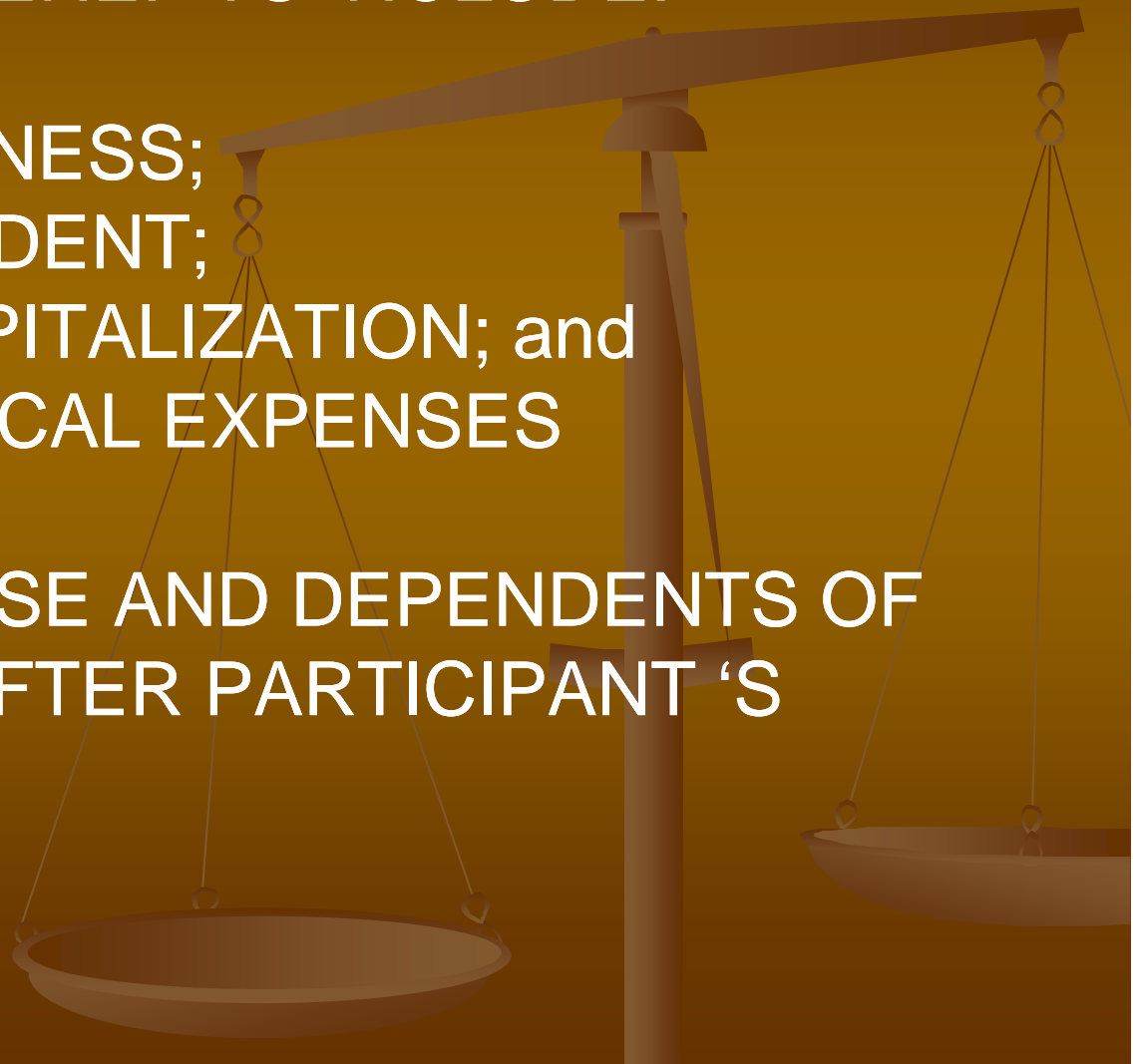


# SENATE ENROLLED ACT 501

## PARTICIPANT BENEFITS INCLUDE:

- 1) SICKNESS;
- 2) ACCIDENT;
- 3) HOSPITALIZATION; and
- 4) MEDICAL EXPENSES

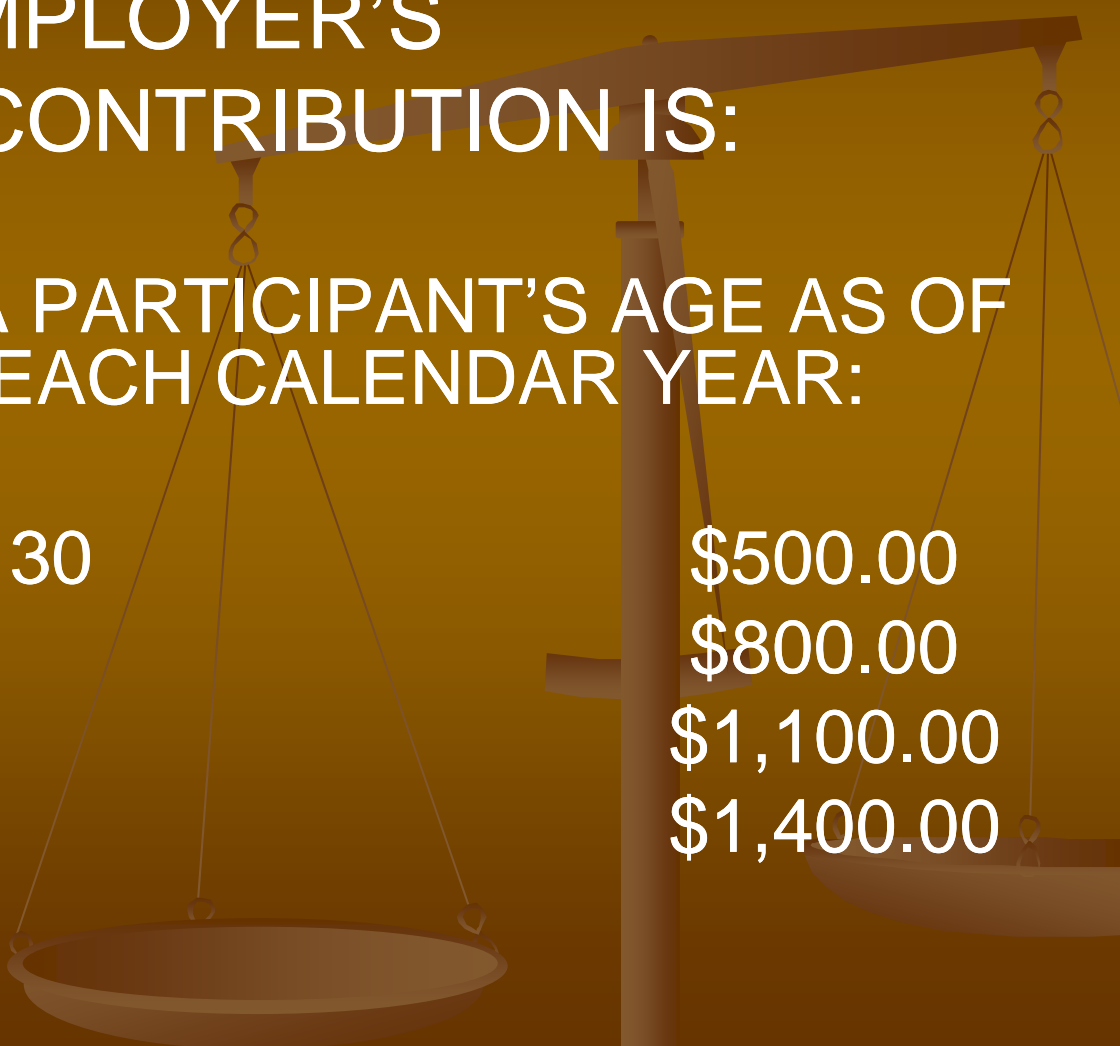
AND FOR SPOUSE AND DEPENDENTS OF  
PARTICIPANT AFTER PARTICIPANT'S  
RETIREMENT



# SENATE ENROLLED ACT 501

## EMPLOYER'S ANNUAL CONTRIBUTION IS:

DETERMINED BY A PARTICIPANT'S AGE AS OF  
JUNE 30 OF EACH CALENDAR YEAR:



■ LESS THAN AGE 30	\$500.00
■ AGED 30 – 39	\$800.00
■ AGED 40 – 49	\$1,100.00
■ AGED 50 – UP	\$1,400.00

# SENATE ENROLLED ACT 501

## “CATCH UP”

for those retiring after June 30, 2007 and  
before July 1, 2017:

If a PARTICIPANT has  
15 years of service and is PERF-eligible; or  
10 years of service as a Judge,

he/she is eligible for  
a one-time additional  
EMPLOYER CONTRIBUTION



# SENATE ENROLLED ACT 501

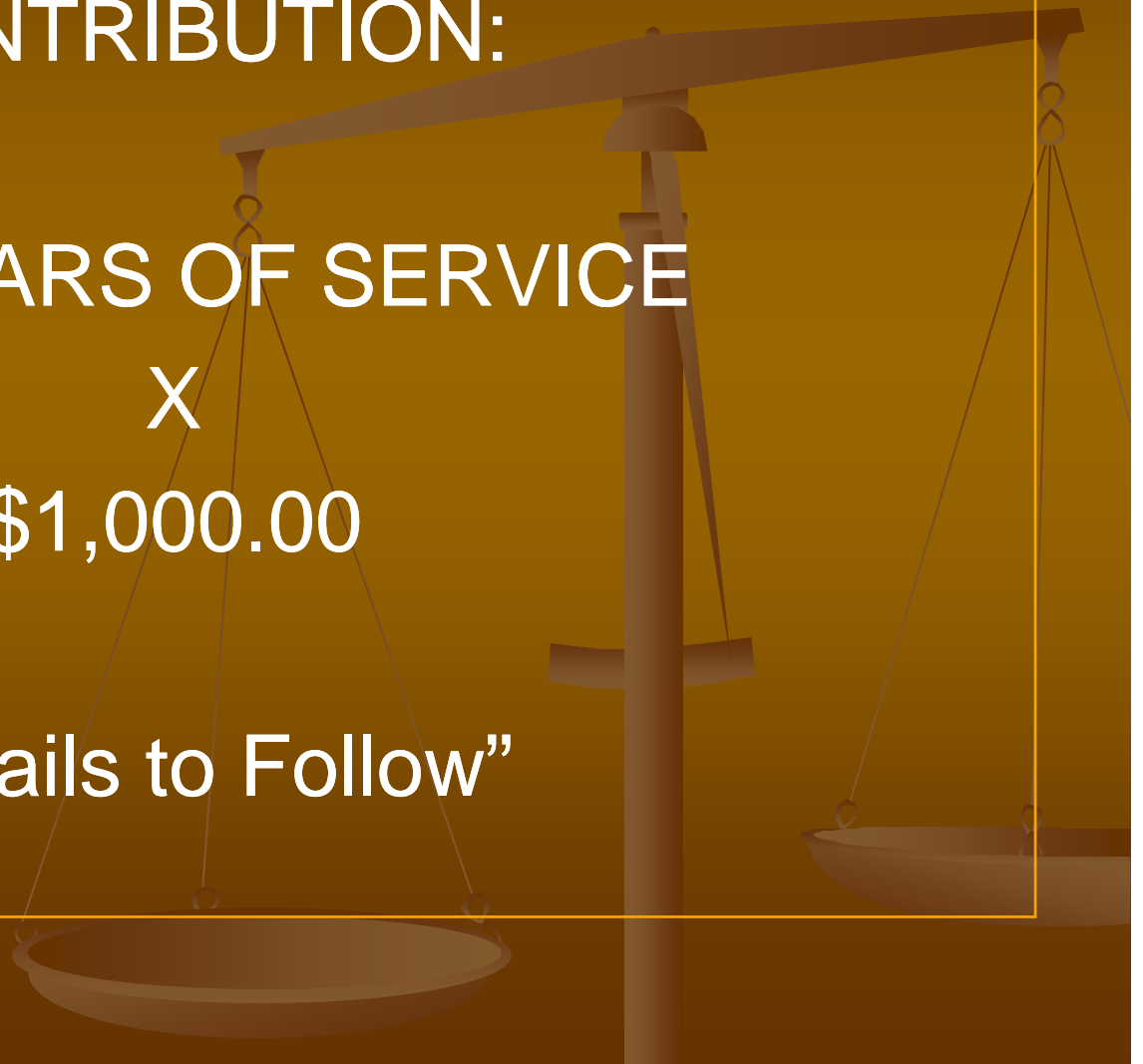
CONTRIBUTION:

# OF YEARS OF SERVICE

X

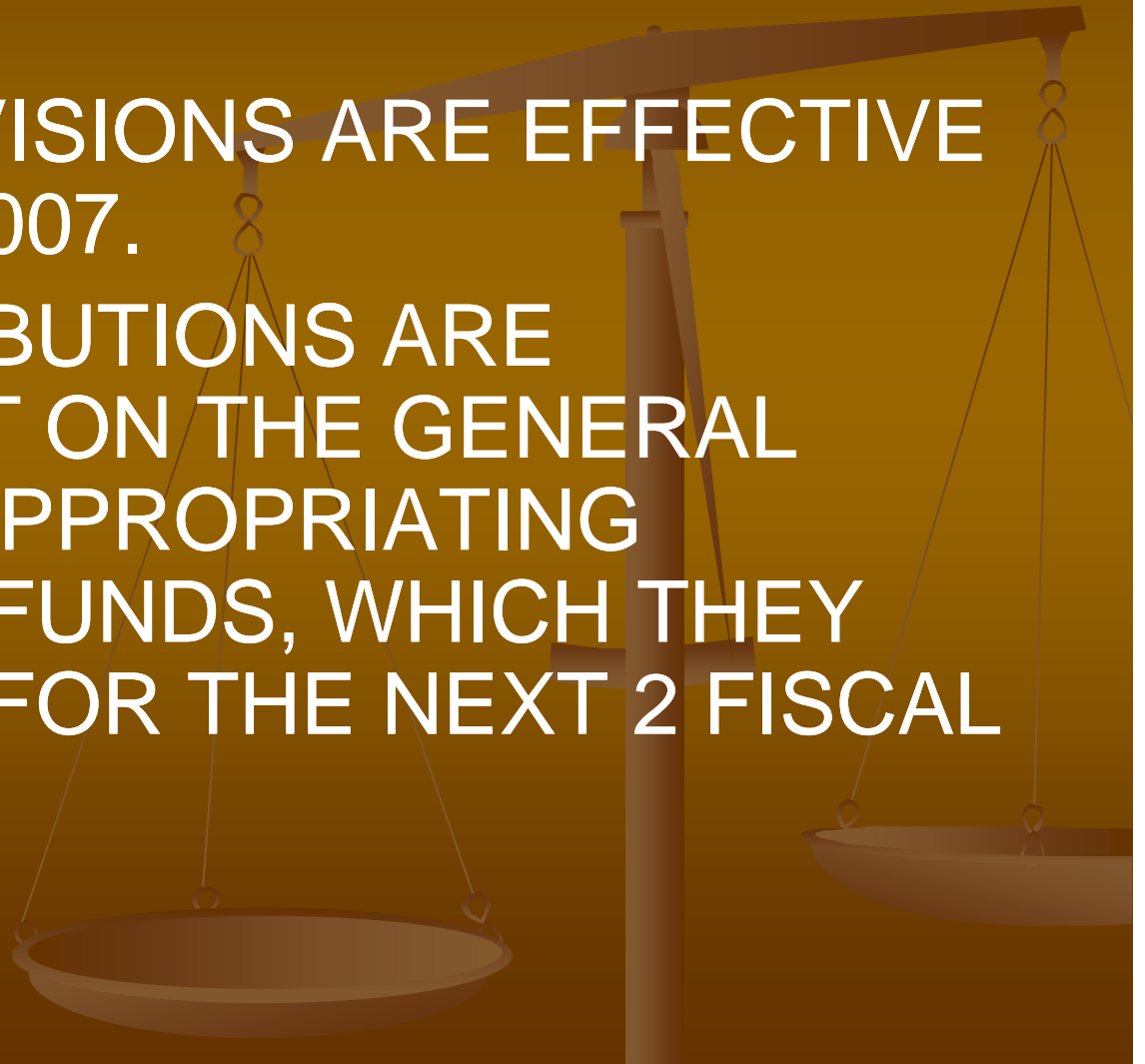
\$1,000.00

“Details to Follow”



# SENATE ENROLLED ACT 501

1. THESE PROVISIONS ARE EFFECTIVE AUGUST 1, 2007.
2. THE CONTRIBUTIONS ARE CONTINGENT ON THE GENERAL ASSEMBLY APPROPRIATING SUFFICIENT FUNDS, WHICH THEY HAVE DONE FOR THE NEXT 2 FISCAL YEARS.



# SENATE ENROLLED ACT 501

## A SECOND PROVISION:

- A 401h Plan which allows state employees to convert, at retirement, up to 30 days of unused vacation leave to an RMBA – can be matched by the State
- Is NOT (presently) Applicable to Judges or Magistrates